

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
(DETROIT)**

In re:)	
)	
CITY OF DETROIT, MICHIGAN,)	CASE NO.: 13-53846
)	
Debtor.)	CHAPTER 9
)	
)	Hon. Steven W. Rhodes
)	

***EX PARTE* MOTION OF THE DWSD BOND TRUSTEE FOR AN
ORDER AUTHORIZING IT TO FILE AN OBJECTION TO THE CITY’S
FOURTH AMENDED PLAN FOR THE ADJUSTMENT OF DEBTS OF
THE CITY OF DETROIT IN EXCESS OF PAGE LIMITATIONS**

U.S. Bank National Association, in its capacity as trustee (the “Trustee”) for those certain bonds issued by the City of Detroit (the “City”) for the Detroit Water and Sewer Department to finance and refinance improvements to the City’s Water Supply System and the City’s Sewage Disposal System, hereby files this *Ex Parte Motion of The DWSD Bond Trustee for an Order Authorizing it to File an Objection to the City’s Fourth Amended Plan for the Adjustment of Debts of the City of Detroit in Excess of Page Limitations* (the “Ex Parte Motion”), for entry of an order authorizing the Trustee to file *The DWSD Bond Trustee’s Objection to the City’s Fourth Amended Plan for the Adjustment of Debts of the City of Detroit*, in excess of the page limitations of Rule 7.1(d)(3)(A) of the Local Rules for the United States District Court for the Eastern District of Michigan (the “Local Rules”). In support of this Ex Parte Motion, the Trustee states as follows:

1. The *Fourth Amended Plan for the Adjustment of Debts of the City of Detroit (May 5, 2014)* (Doc. 4392) raises numerous, complex legal issues. Accordingly, the Trustee requires

more than twenty-five pages to respond meaningfully. Although the Trustee has made the Objection as succinct as possible, under the circumstances, the Trustee cannot provide the Court with the information necessary for the full and fair adjudication of the matters presented within the page limits set by the Local Rules.

2. The Local Rules for the United States Bankruptcy Court for the Eastern District of Michigan (the “Local Bankruptcy Rules”) do not establish a specific page limit for objections to disclosure statements. Local Bankruptcy Rule 9014-1(e) sets a limit of twenty page limit for certain briefs, but Local Bankruptcy Rule 9014-1(e) is not applicable to objections to approval of plans of adjustment.

3. The Local Rules are applicable to proceedings in this Court. *See* Bankr. E.D. Mich. R. 9029-1(1)(a). Local Rule 7.1(d)(3)(A) provides that “[t]he text of a brief supporting a motion or response, including footnotes and signatures, may not exceed 25 pages. A person seeking to file a longer brief may apply *ex parte* in writing setting forth the reasons.” E.D. Mich. R. 7.1(d)(3)(A).

4. The Trustee requests entry of an order expanding the page limitations set forth in Local Rule 7.1(d)(3)(A) to the extent that this rule applies to the Objection.

WHEREFORE, the Trustee respectfully requests that: (i) it be granted relief from Local Rule 7.1(d)(3)(A); (ii) it be permitted to file its Objection in excess of the page limitation; (iii) the Court enter an order substantially in the form attached hereto granting the relief sought; and (iv) such other and further relief to the Trustee be granted as the Court deems just.

Respectfully submitted this the 12th day of May, 2014.

/s/ Courtney M. Rogers

David E. Lemke (TN13586)
Michael R. Paslay (TN11092)
Ryan K. Cochran (TN25851)
Courtney M. Rogers (TN25664)
WALLER LANSDEN DORTCH & DAVIS, LLP
511 Union Street, Suite 2700
Nashville, Tennessee 37219
Phone: (615) 244-6380
Fax: (615) 244-6804
david.lemke@wallerlaw.com
mike.paslay@wallerlaw.com
ryan.cochran@wallerlaw.com
courtney.rogers@wallerlaw.com

– and –

Robert J. Diehl, Jr. (MI31264)
Jaimee L. Witten (P70068)
BODMAN PLC
1901 St. Antoine Street, 6th Floor
Detroit, Michigan 48226
Phone: (313) 393-7597
Fax: (313) 393-7579
rdiehl@bodmanlaw.com
jwitten@bodmanlaw.com

*Attorneys for U.S. Bank National Association, as
Trustee for the DWSD Bonds*

SUMMARY OF ATTACHMENTS

The following documents are attached to this Ex Parte Motion, labeled in accordance with Local Bankruptcy Rule 9014-1(b):

Exhibit 1 - Proposed Form of Order

Exhibit 2 - None [Motion Seeks *Ex Parte* Relief]

Exhibit 3 - None [Brief Not Required]

Exhibit 4 - Certificate of Service

Exhibit 5 - None [No Affidavits Filed Specific to This Ex Parte Motion]

Exhibit 6 - None [No Documentary Exhibits Filed Specific to This Ex Parte Motion]

EXHIBIT 1
Proposed Form of Order

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
(DETROIT)**

In re:)	
)	
CITY OF DETROIT, MICHIGAN,)	CASE NO.: 13-53846
)	
Debtor.)	CHAPTER 9
)	
)	Hon. Steven W. Rhodes
)	

**ORDER AUTHORIZING IT TO FILE AN OBJECTION TO THE CITY'S
FOURTH AMENDED PLAN FOR THE ADJUSTMENT OF DEBTS OF
THE CITY OF DETROIT IN EXCESS OF PAGE LIMITATIONS**

This matter coming before the Court on the *Ex Parte Motion of The DWSD Bond Trustee for an Order Authorizing it to File an Objection to the City's Fourth Amended Plan for the Adjustment of Debts of the City of Detroit in Excess of Page Limitations* (the "Motion")¹; and the Court being fully advised in the premises determines and concludes that the Motion is due to be **GRANTED**.

WHEREFORE, based upon the foregoing, it is hereby:

ORDERED, ADJUDGED and DECREED that the Trustee is granted relief from Rule 7.1(d) of the Local Rules and may file *The DWSD Bond Trustee's Objection to the City's Fourth Amended Plan for the Adjustment of Debts of the City of Detroit* in excess of the applicable page limitations.

¹ Capitalized terms not defined herein bear the meaning ascribed to just term in the Motion.

EXHIBIT 3
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Ex Parte Motion of The DWSD Bond Trustee for an Order Authorizing it to File an Objection to the City's Fourth Amended Plan for the Adjustment of Debts of the City of Detroit in Excess of Page Limitations* was filed and served via the Court's electronic case filing and noticing system to all parties registered to receive electronic notices in this matter, this 12th day of May, 2014.

/s/ Courtney M. Rogers

David E. Lemke (TN13586)

Michael R. Paslay (TN11092)

Ryan K. Cochran (TN25851)

Courtney M. Rogers (TN25664)

WALLER LANSDEN DORTCH & DAVIS, LLP

511 Union Street, Suite 2700

Nashville, Tennessee 37219

Phone: (615) 244-6380

Fax: (615) 244-6804

david.lemke@wallerlaw.com

mike.paslay@wallerlaw.com

ryan.cochran@wallerlaw.com

courtney.rogers@wallerlaw.com

*Attorneys for U.S. Bank National Association, as
Trustee for the DWSD Bonds*